

Notice of Allowability

Application No.

10/800,590

Examiner

Rodney H. Bonck

Applicant(s)

LEBER, FRITZ

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received November 3, 2005.
2. ☒ The allowed claim(s) is/are 10 and 12-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

The following action is in response to the amendment received November 3, 2005.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In line 2 of claim 12, "11" has been changed to – 10 –.

In line 2 of claim 13, "11" has been changed to – 10 –.

In line 2 of claim 14, "11" has been changed to – 10 –.

In line 2 of claim 18, "11" has been changed to – 10 –.

Claims 12-14 and 18 depended from a cancelled claim, claim 11. It is believed apparent that these claims were intended to depend from claim 10. Accordingly, the dependency of claims 12-14 and 18 has been changed such that they depend from claim 10.

Allowable Subject Matter

Claims 10 and 12-28 are allowed. In accordance with MPEP 608.01(n)IV, claims 10, 12, 16, 17, 13-15, 18-20, 24, 25, 21-23, and 26-28 will be renumbered for printing as claims 1-18, respectively.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or render obvious a hydrodynamic torque converter as defined in claim 10 wherein the hydraulic pressure acting upon the first piston area acts directly or indirectly upon the control unit and the control unit adjusts the hydraulic pressure upon the second piston area depending on the hydraulic pressure upon the first piston area, and wherein one drive mechanism of the torque converter is connectable via the clutch with one pump impeller of the torque converter.

The art of record also fails to show or teach a hydrodynamic torque converter as defined in claims 19 and 27, wherein the internal hydraulic pressure acting upon the first piston area is applied to the control unit and the control unit adjusts the second hydraulic pressure upon the second piston area depending on the internal hydraulic pressure to regulate the input clutch connecting the drive mechanism to the pump impeller.

The newly cited patent to Ahlen (3,893,551) shows a hydrodynamic torque converter in which the input clutch connects the drive mechanism to the pump impeller depending on relative pressure on each side of the piston (formed by the impeller), and

a control unit controls the relative pressure. The pressure acting on the first piston area is not applied to the control unit in Ahlen, however. Thus, the claims distinguish over Ahlen('551) as well as the other prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Comment

Applicant's amendment to the specification, filed November 3, 2005, overcomes the objection set forth on page 2 of the previous Office action. Accordingly, the objection is withdrawn.

The amendments to the claims overcome the previous rejection of claims 10-18 under 35 USC 112, second paragraph. Therefore, the rejection under 35 USC 112, second paragraph, is withdrawn.

The rejections of the claims under 35 USC 102(b) and 35 USC 103(a) are overcome by the amendments to the claims submitted November 3, 2005. Accordingly, those rejections are also withdrawn.

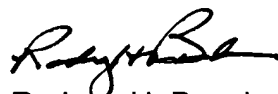
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571)

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272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
December 5, 2005